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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,491	11/13/2001	Christopher J. Feola	45003-45USPT	5649
7590	07/25/2005			EXAMINER SALL, EL HADJI MALICK
Gary B. Solomon Jenkins & Gilchrist, P.C. 3200 Fountain Place 1445 Ross Avenue Dallas, TX 75202-2799			ART UNIT 2157	PAPER NUMBER
DATE MAILED: 07/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/008,491	FEOLA ET AL.
	Examiner	Art Unit
	El Hadji M. Sall	2157

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 May 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19,22 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-19,22 and 24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. This action is responsive to the amendment filed on May 2, 2005. Claims 1-19, 22 and 24 are pending. Claims 20, 21, 23 and 25-34 have been canceled. Claims 1-4, 11, 13, 17-19, 22 and 24 have been amended. Claims 1-19, 22 and 24 represent content operating system.

2. ***Claim Rejections - 35 USC § 112***

Claims 1 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said plurality of different types of channels" in lines 7-8. There is insufficient antecedent basis for this limitation in the claim. For purpose of prior art rejection, Examiner will construe it as "a plurality of different types of channels".

Claim 24 recites the limitation "the plurality of distribution channels" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. For purpose of prior art rejection, Examiner will construe it as "a plurality of distribution channels".

3. ***Claim Rejections - 35 USC § 102***

A person shall be entitled to a patent unless –

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-34 are rejected under 35 U.S.C. 102(e) as being unpatentable over Diwan U.S. 6,801,936.

Diwan teaches the invention as claimed including systems and methods for generating customized bundles of information.

As to claim 1, Diwan teaches a system for providing content to a plurality of different types of channels, said system comprising:

A content object including the content to be provided over the plurality of different channels (column 1, lines 47-52, Diwan discloses Systems and methods consistent with the present invention address this need by providing at least one agent that gathers information from multiple sources, packages the information into customized bundles...);

A plurality of rules objects operable to apply at least one rule to said content object for providing the content to a content provider designated channel, said content provider designated channel being at least one of a plurality of different types of

channels (column 3, lines 14-46, Diwan discloses the information providers (i.e. can be equated to "content object") may broadcast stream of information onto the network, and the information providers may connect to the network in number of different ways, including wired, wireless, and optical connections (i.e. the information provider such as a news web site that broadcasts streams of news information inherently "providing the content to a content provider designated channel, said content provider designated channel being at least one of said plurality of different types of channels) column 1, lines 47-52, Diwan discloses...and delivers the bundles to subscribers according to a set of rules using multicast routing techniques); and

At least one container object operable to receive and prepare said content object having the at least one rule applied thereto for providing the content to said content provider designated channel (figure 5, item 540, Diwan discloses agent delivers bundles to subscribers according to rules using multicast techniques).

As to claim 2, Diwan teaches the system according to claim 1 wherein the plurality of different types of channels include at least one of a video channel, a print channel and a web channel (figure 1)

As to claim 3, Diwan teaches the system according to claim 1, wherein one of the plurality of different types of channels is an Internet channel (column 2, lines 59-60, Diwan discloses The networks 175 and 180 may include the Internet).

As to claim 4, Diwan teaches the system according to claim 1, wherein said content object includes more than one of the following: text, graphics, image, video and sound (column 5, lines 1-2, Diwan discloses the form that the subscriber wants the bundle delivered (e.g., in text or audio format), etc.).

As to claim 5, Diwan teaches the system according to claim 1, wherein each rule object includes at least one rule distinct from other rule objects (column 2, lines 43-46, Diwan discloses the systems and methods gather information from the sources,

package them into customized bundles according to requests and rules defined by the subscribers and/or agent managers).

As to claim 6, Diwan teaches the system according to claim 5, wherein the at least one distinct rule is based on a specific channel for which the associated rule object is associated (column 3, lines 35-46, Diwan discloses...the information providers 145-155 may connect to the network 180 in a number of different ways, including wired, wireless, and optical connections. For example, information provider 145 connects to the network 180 via a conventional gateway 160...).

As to claim 7, Diwan teaches the system according to claim 5, wherein the at least one distinct rule is based on a specific terminal for which the associated rule object is associated (column 2, lines 43-46, Diwan discloses The systems and methods gather information from the sources, package them into customized bundles according to requests and rules defined by the subscribers and/or agent managers)

As to claim 8, Diwan teaches the system according to claim 5, further comprising a channel object operable to receive said content object as prepared by said container object (figure 1).

As to claim 9, Diwan teaches the system according to claim 8, wherein said channel object defines a channel of distribution over the network (figure 1; column 2, lines 4-7, Diwan discloses generate multicast messages containing the bundles, and transmit the multicast messages to appropriate ones of the subscribers).

As to claim 10, Diwan teaches the system according to claim 8, wherein said channel object includes at least one of the following channels: Internet, wireless, cellular, and satellite (column 2, lines 54-65, Diwan discloses The networks 175 and 180 may include the Internet).

As to claim 11, Diwan teaches the system according to claim 8, wherein the at least one rule defines a process for which said content object is subject to for distribution over a particular channel (column 1, lines 47-52, Diwan discloses Systems and methods consistent with the present invention address this need by providing at least one agent that gathers information from multiple sources, packages the information into customized bundles, and delivers the bundles to subscribers according to a set of rules using multicast routing techniques).

As to claim 12, Diwan teaches the system according to claim 11, wherein the process includes reducing the amount of data to be distributed (figure 4, item 450, Diwan discloses agent arranges for receipt of information that subscriber desires from information providers). Subscriber can receive less or more information, as he desires.

As to claim 13, Diwan teaches the system according to claim 11, wherein the particular channel is predetermined by said content provider (column 1, lines 37-40, Diwan discloses If a user desires information in this case, the user must determine what information providers supply the desired information and subscribe to their information delivery services).

As to claim 14, Diwan teaches the system according to claim 8, further comprising a directory lookup service for assigning said content object to at least one rule and at least one container object (figure 3).

As to claim 15, Diwan teaches the system according to claim 9, further comprising an object broker (figure 1, item 190).

As to claim 16, Diwan teaches the system according to claim 8, wherein the preparation by the at least one container object includes applying a template to said content object for display (column 4, lines 5-17, Diwan discloses...The output device

270 may include any conventional mechanism that outputs information to the operator, including a display...).

As to claim 17, Diwan teaches a method for providing content to a distribution channel, said method comprising:

Receiving the content to be provided to the distribution channel, said distribution channel being determined by a content provider (column 1, lines 47-52, Diwan discloses systems and methods consistent with the present invention address this need by providing at least one agent that gathers information from multiple sources, packages the information into customized bundles, and delivers the bundles to subscribers according to a set of rules (i.e. inherently "the content provider determining which distribution channel the content is to be provided on"); column 4, lines 61-67, Diwan discloses the rules field 316 may store rules that control the manner in which the agent 190 bundles and distributes the information it receives from the information providers);

Applying at least one rule to the content, the at least one rule being based on the distribution channel for the content to be provided (column 1, lines 47-52, Diwan disclose...and delivers the bundles to subscribers according to a set of rules using multicast routing techniques); and

Communicating the content having the at least one rule applied thereto to have at least one data element further applied thereto via a distinct process from said applying of the at least one rule, the content having the at least one rule and data element being applied thereto prior to being provided to said distribution channel (figure 5, item 540, Diwan discloses agent delivers bundles to subscribers according to rules using multicast techniques).

As to claim 18, Diwan teaches the method according to claim 17, further comprising providing the content having the at least one rule and data element being applied thereto over the distribution channel (column 1, lines 47-52, Diwan discloses systems and methods consistent with the present invention address this need by

providing at least one agent that gathers information from multiple sources, packages the information into customized bundles, and delivers the bundles to subscribers according to a set of rules using multicast routing techniques).

As to claim 19, Diwan teaches the method according to claim 18, wherein the distribution channel includes a print publication channel and more than one of the following: email, broadcast, ethernet, wireless ethernet, cellular, video and the Internet (column 4, lines 5-16, Diwan discloses column 2, lines 54-65, Diwan discloses The networks 175 and 180 may include the Internet).

As to claim 22, Diwan teaches the method according to claim 17, wherein the content includes more than one of the following: text, graphics, image, video, and audio (column 5, lines 1-2, Diwan discloses the form that the subscriber wants the bundle delivered (e.g., in text or audio format), etc.).

As to claim 24, Diwan teaches a system for providing content over a plurality of distribution channels, said method comprising:

Means for receiving the content to be provided over the plurality of distribution channels (column 1, lines 47-52, Diwan discloses Systems and methods consistent with the present invention address this need by providing at least one agent that gathers information from multiple sources, packages the information into customized bundles; column 4, lines 61-63, Diwan discloses The rules field 316 may store rules that control the manner in which the agent 190 bundles and distributes the information it receives from the information providers);

Means for applying at least one rule to the content, the at least one rule for defining how to provide the content to a content provider selected distribution channel (column 1, lines 47-52, Diwan disclose...and delivers the bundles to subscribers according to a set of rules using multicast routing techniques); and

Means for communicating the content having the at least one rule applied thereto to have at least one data element further applied thereto via a distinct process from said applying of the at least one rule, the content having the at least one rule and data element being applied thereto prior to being provided over the content provider selected distribution channel (figure 5, item 540, Diwan discloses agent delivers bundles to subscribers according to rules using multicast techniques).

5. *Response to Arguments*

Applicant's arguments filed 05/02/05 have been fully considered but they are not persuasive.

(A) Applicant argues that Diwan does not teach providing content "to a content provider designated channel, said content provider designated channel being at least one of a plurality of different types of channels".

In regards to point (A), examiner respectfully disagrees.

Column 3, lines 14-46, Diwan discloses the information providers (i.e. can be equated to "content object") may broadcast stream of information onto the network, and the information providers may connect to the network in number of different ways, including wired, wireless, and optical connections (i.e. the information provider such as a news web site that broadcasts streams of news information inherently "providing the content to a content provider designated channel, said content provider designated channel being at least one of said plurality of different types of channels) column 1, lines 47-52, Diwan discloses...and delivers the bundles to subscribers according to a set of rules using multicast routing techniques.

(B) Applicant argues that cited art does not teach, allude to or anticipate "the content provider determining which distribution channel the content is to be provided.

In regards to point (B), examiner respectfully disagrees.

Column 1, lines 47-52, Diwan discloses systems and methods consistent with the present invention address this need by providing at least one agent that gathers information from multiple sources, packages the information into customized bundles, and delivers the bundles to subscribers according to a set of rules (i.e. inherently "the content provider determining which distribution channel the content is to be provided on"); column 4, lines 61-67, Diwan discloses the rules field 316 may store rules that control the manner in which the agent 190 bundles and distributes the information it receives from the information providers.

6.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

El Hadji Sall
Patent Examiner
Art Unit: 2157



ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100